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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/649,360	08/27/2003	Luigi Marchesini	8037-90489	4747
24628	7590	08/06/2004		
WELSH & KATZ, LTD 120 S RIVERSIDE PLAZA 22ND FLOOR CHICAGO, IL 60606			EXAMINER GRAHAM, MATTHEW C	
			ART UNIT 3683	PAPER NUMBER

DATE MAILED: 08/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/649,360

Applicant(s)

MARCHESINI, LUIGI

Examiner

Matthew C Graham

Art Unit

3683

MMW

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-36 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. ____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

Art Unit: 3683

1. Claims 1-36 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 is indefinite in the double recitation of "a spring and a spring". Applicant should clarify as --first spring and second spring-- in line 14. It is unclear as to what element the word "its" refers.

The term "envisaged-- is narrative and non-limiting. The recitation of "a plurality of channels" (twice) as well as "first channel, second channel, third channel" and "a channel" is confusing. Likewise, the recitations of various chambers, that are not clearly delineated, is confusing. The repeated use of the word "designed" is non-limiting the phrase "has been polled unduly" is vague. The phrase "characterized by the fact" is also narrative and non-limiting. Claims 2-36 are indefinite due to their dependency and non-limiting. Claims 2-36 are indefinite due to their dependency on claim 1. These claims are replete with terms that lack antecedent basis and terms considered to be double inclusions. Applicant's advised to cancel claims 1-36 and present new claims that satisfy the requirements of 35 USC 112.

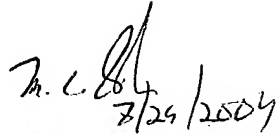
2. The failure to apply the prior art to the claims should not be construed as an indication of allowable subject matter. Because the claims so seriously fail to meet the requirements of 35 USC 112, second paragraph for the reasons stated above, it is not possible to apply the prior art to the claims in deciding patentability without disregarding portions of the express wording of the claims and thus resorting to speculation and

Art Unit: 3683

conjecture as to the particular invention defined therein. See Exparte Lyell, 17 USPQ2d 1548, 1552.

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Hammoun et al., Billingsley et al. and Burgei et al. show hand brake controllers.
4. Any inquiry concerning this communication should be directed to Mr. Graham at telephone number (703) 308-1113.

Graham/vs
July 15, 2004


7/29/2004
MATTHEW C. GRAHAM
PRIMARY EXAMINER
GROUP 310